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6 Attorney for
7 T.M..

8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 SAN RAFAEL CITY SCHOOLS

CASE NO.C07-04702WHA

11
12 Plaintiff,

**OPPOSITION TO MOTION TO
COMPEL ALTERNATIVE DISPUTE
RESOLUTION AND EXTENSION FOR
DUE DATE FOR FILING OF
SUMMARY JUDGEMENT MOTION;
MEMORANDUM OF POINTS AND
AUTHORITIES IN OPPOSITION**

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16 v.

17 OFFICE OF ADMINISTRATIVE
HEARINGS

Date: December 20, 2007

18 Defendant, and

Time: 8:00 am

19 T.M., a minor,
Real Party in Interest.

Dept: Courtroom 9, 19th Floor
450 Golden Gate Avenue
San Francisco, CA 94102

20 _____/
21 Hon. William Alsup

22 The Plaintiff, SAN RAFAEL CITY SCHOOLS, has made a motion to compel referral of this
23 matter to the Court's Alternative Resolution Multi-Option Program and for an extension of time for
24 the filing of a summary judgement motion until thirty days from the conclusion of the ADR process.
25 The Real Party In Interest, T.M., opposes the motions in this case and asks that the Plaintiff's motions
26 be denied in whole.

27 **ARGUMENT**

28 The ADR referral was vacated in this case, by order of the Court, on October 1, 2007.
This case is an appeal, by the Plaintiff, of a decision of an administrative law judge in a special

1 education dispute. The process, under Civil L.R. 16-5, is clearly laid out with specific timelines
2 and requirements for the answer, summary judgement or remand motion, opposition motion and
3 reply. While T.M., remains open to any settlement offer from the Plaintiff in this case, T.M. is
4 opposed to any delay in the resolution of this matter. T.M. was awarded almost \$30,000 in
5 reimbursement from the Plaintiff, which to date has not been paid and no bond has been arranged
6 or excused.

7 The Plaintiff has not shown that there is any mandatory requirement for ADR in cases
8 heard under Civil L.R. 16-5. Therefore, Plaintiff's motion to compel ADR should be denied.

9 As to the Motion for Extension of the due date of the summary judgement motion, we
10 strongly object to any extension in this case. As stated above, T.M. has been awarded
11 reimbursement by Plaintiff for educational costs incurred as a result of the Plaintiff's failure to
12 provide T.M. with a free appropriate public education. Plaintiff has failed to pay T.M. as ordered
13 and failed to post the required bond which would absolve him of payment. Although Plaintiff
14 speaks in their complaint about making a motion to relieve them of the bond, no such motion has
15 been made. Should this Court order mandatory ADR, it would be unduly burdensome to T.M. to
16 suffer any further delay in the adjudication of this matter therefore the motion for extension
17 should be denied.

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19 Respectfully submitted,

20 MARGARET M. BROUSSARD

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22 Attorney for Real Party in Interest, T.M.

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26 Dated: November 26, 2007

By: /s/

27 Margaret M. Broussard
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